

**Tennessee Board of Medical Examiners’
Committee on Physician Assistants
January 13, 2006**

Minutes

A regular meeting of the Tennessee Board of Medical Examiners’ Committee on Physician Assistants was held in the Cumberland Room located on the Ground Floor of the Cordell Hull State Office Building on January 13, 2006.

Members Present: Glen Alexander, PA; Anne Arney, Consumer Member;
William Blalock, PA; Jonathan White, PA; and
Johnny Presley, PA

Staff Present: Rosemarie Otto, Executive Director, Ernie Sykes., Associate General
Counsel; LaTonya Shelton, Administrator, Marsha Arnold, Unit
Manager; Jerry Kosten, Rule Coordinator

Glen Alexander, Committee Chairman called the meeting to order at 9:15 a.m. The Chairman determined that a sufficient number of members were in attendance to constitute a quorum.

Approval of Minutes

Jonathan White made a motion to approve the minutes of the October 7, 2005 meeting. William Blalock seconded the motion. The motion passed unanimously.

Financial Report

Rosemarie Otto, Executive Director of the Medical Board, stated the financial report indicated a projected cumulative balance of \$173,559.03.

Disciplinary Report

The Committee reviewed the written report submitted by the disciplinary coordinator which indicated two licensees are being monitored and are in compliance.

Investigations Report

In the absence of Denise Moran, Director of the Bureau of Investigations, Rosemarie Otto informed the committee that there are fourteen open complaints in the Bureau of Investigations regarding physician assistants. Ms. Otto also informed the Committee that if they had any detailed questions that Mrs. Moran could be called to the meeting to answer any questions.

Manager's Report

Marsha Arnold reported on the activities that have transpired in the administrative office between October 1, 2005 and December 30, 2005 concerning Physician Assistants. The report read as follows:

44 new applications, 42 new licenses, 54 mailed out renewals and 8 licensure reinstatements. The actual processing time of renewals in our office is 7.7 days. The actual processing time for new applications in our office is 69 days. The number of active licensees as of December 30, 2005 is 813.

Ratification of New Licenses, Temporary Permits and Reinstatements

William Blalock made a motion to ratify the new licenses, temporary permits, and retirements. Jonathan White seconded the motion. The motion passed unanimously.

Tennessee Professional Assistant Program (TNPAP)

Mr. Mike Harkreader discussed the TNPAP report with the Committee. For the period of July 2005 through December 19, 2005 TNPAP had a total of four (4) participants referred from different sources. Mr. Harkreader also informed the Committee that one participant was discharged for non-compliance and has been referred to the Bureau of Investigations for processing.

OGC Report

In the absence of Robert Kraemer, Assistant General Counsel, Mr. Ernie Sykes informed the Committee that the Volunteer Practice Rule (04-1546) went to rule making hearing on December 21, 2004. The amended Volunteer Practice Rule was adopted by this committee on January 7, 2005 and the Medical Board on January 18, 2005 and sent to the Attorney General on January 26, 2005 and filed with the Secretary of State on December 2, 2005 and becomes effective on February 15, 2006. The Criminal Background Checks (05-1025) rulemaking hearing was on March 18, 2005 and the amended rule was also adopted by the Committee on April 25, 2005 and the Medical Board on May 17, 2005 and sent to the Attorney General on May 23, 2005 and is still there. Mr. Sykes also stated that there were eight cases open in the Office of General Council pertaining to the Board of Medical Examiners' Committee on Physician Assistants. Mr. Sykes also stated that the 2005 Legislation Amendments (05-1325) went to rulemaking hearing on September 22, 2005. The amendments were adopted by the Committee on October 2, 2005 and the Board on November 15, 2005, and were sent to the Attorney General on November 21, 2005. They are still there. The advertising portion of this original rulemaking notice, although adopted by the Committee was not adopted by the Board. The Board referred it back to the Committee for inclusion of provisions requiring the name of the supervising physician and his or her availability on signs at remote practice sites. The Committee considered authorizing the amendment for rulemaking at this meeting. Stays, Reconsideration and PLLC & PC Amendments- (05-1529)

went to rulemaking hearing on December 20, 2005, and after response to comments, are ready for adoption at this meeting.

Rule Action

The Committee conducted a roll call vote for the rule making hearing regarding Reconsiderations and Stays and Amendments to Professional Corporations and Limited Liability Company rules with amendments. Mr. Kosten reported that there were not any comments received at the hearing. Mr. Presley made a motion to adopt the amendments and Mr. Blalock seconded the motion. The roll call vote passed unanimously.

Mr. Kosten presented to the Committee a new advertising rule to consider taking to a rule making hearing. Mr. Kosten stated the rule is the exact same for the section concerning Physician Assistants serving in remote areas. Mr. Presley made a motion to send the rule to a rule making hearing and Mr. White seconded the motion. The motion passed unanimously.

General Discussion

Ms. Otto informed the Committee about the Controlled Substance Database Advisory Committee and asked the Committee to nominate a representative to serve on that Committee. Johnny Presley made a motion to elect Jonathan White as the representative and William Blalock seconded the motion. The motion passed unanimously.

Letter of Reprimand

Jared Manning, OPA- Mr. Manning was practicing as a Physician Assistant under the supervision of a Medical Doctor instead of an Orthopedic Physician. Mr. Bozarth handed out the Letter of Reprimand to the Committee for review. Mr. Presley made the motion to ratify the letter of reprimand and Mr. Blalock seconded the motion. The motion passed unanimously.

Back on record 1:00 p.m.

Contested Case

Joel Burnett, PA- Mr. Burnett (Respondent) was present and represented himself. Mr. Shiva Bozarth represented the State. The Honorable James Hornsby Administrative Law Judge presided. After consideration of the Notice of Charges, the testimony of the witnesses, and the record as a whole, the Committee found that Mr. Burnett violated Tenn. Code Ann. 63-19-101 and rule 0880-3-.15(1)(a)(b) and (e). The Committee voted to suspend Mr. Burnett's license until he obtains and maintains advocacy and supervision for 120 days with Tennessee Professional Assistance Program (TNPAP). After the Respondent has completed the 120 days he may apply for an order of compliance. The Respondent shall be required to show 120 days of absolute compliance with a contract with the TNPAP. Said contract must be a **zero tolerance** contract. Upon compliance with the requirements the Respondent's license will be placed on probation for the entirety of his contract with TNPAP and the Respondent shall request TNPAP to submit to the Committee quarterly reports indicating his compliance with all of their recommendations.

Mr. Presley made the motion accept the notice of charges and Mr. Blalock seconded the motion. The motion was passed unanimously.

“Noteworthy” on the Internet.

When a newsletter is developed, it will be placed in the noteworthy section of the Committee’s webpage.

The meeting adjourned at 3:30 p.m. The next scheduled meeting is April 21, 2006 at 9:00 a.m. in the Cumberland Room.

Approved this 13th day of January, 2006 by the Committee on Physician Assistants.

Secretary